

**FINAL**

**PLANNING AND ZONING BOARD (PZB) PUBLIC *SPECIAL* HEARING SUMMARY  
TUESDAY, MARCH 1, 2016  
CITY HALL, COMMISSION CHAMBERS  
HALLANDALE BEACH, FLORIDA**

**ATTENDANCE ROLL CALL:**


**2016 PZB Attendance**

Board Members	1/28	2/24	3/1	3/23	4/27	5/25	6/22	7/27	8/31	9/28	10/26	11/30	12/28
Sheryl Natelson - Chair	A	A	P										
Terri Dillard- Vice Chair	A	P	P										
Csaba Kulin	P	P	P										
Charles Wu	A	P	P										
Alexander Lewy	A	A	P										
Howard Garson	A	P	P										
Leslie Wynne	A	P	A										
Harriett Ginsberg-Alternate	P	A	P										
Total Members Present	2	5	7										
Total Members Absent	6	3	1										

*Present (P)*

*Absent: (A)*

*Tardy: (T)*

 Un-appointed

**Staff in Attendance:**

Keven Klopp

Christopher Saunders

Althea Jefferson

Christy Dominguez

Vanessa Leroy

Cindy Bardales

1 **1. CALL TO ORDER**

2  
3 The Board Chair called the meeting to order at 6:47 P.M.  
4

5 **2. ROLL CALL**

6  
7  
8 **3. APPROVAL OF MINUTES**

9  
10 A. Draft Minutes for December 15, 2015

11  
12 Mr. Garson: stated line 138 of the minutes should read "Four star hotels require (8)  
13 employees per (10) rooms" and commented that and language pertaining to parking can  
14 be removed.

15  
16 Mr. Wu: asked for changes to be made in lines 277 and 356 roll call vote to read as (2-  
17 5) instead of (5-2). He added line 407 should read motion failed on a roll call vote of (3-  
18 4)" and Ms. Wynne voted No.

19  
20 MR. LEWY MOVED TO APPROVE THE MINUTES OF THE AUGUST 26, 2016  
21 PLANNING AND ZONING BOARD HEARING WITH CORRECTIONS.

22  
23 MS. DILLARD SECONDED THE MOTION.

24  
25 MOTION CARRIED BY ROLL CALL VOTE (7-0).  
26  
27

28 **4. NEW BUSINESS**

29  
30  
31 1. Applications # 120-15-DB and # 121-15-CU by Hallandale Office Tower, LLC,  
32 requesting Major Development Plan approval and a Conditional Use Permit to  
33 construct the Nine Hundred Building, a mixed use development at the property  
34 located at 900 South Federal Highway.

35  
36 The applications to be considered are as follows:

37  
38 a) Application #120-15-DB for Major Development Review approval pursuant to  
39 Section 32-782 of the Zoning and Land Development Code in order to construct  
40 the proposed mixed use development consisting of 320 residential units, 5,871  
41 square feet of commercial space, 150 room hotel and associated parking garage.  
42

43  
44 **Polling of Ex Parte Communications (Board Secretary)**  
45

Board Secretary polled the Planning and Zoning Board Members regarding Ex-Parte Communications:

*Ms. Natelson advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.*

*Ms. Dillard advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.*

*Mr. Kulin advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.*

*Mr. Lewy advised that he had Ex-Parte Communications regarding this matter and advised he has spoken to the applicant. He advised he would base his decision solely on the testimony being presented.*

*Mr. Wu advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.*

*Mr. Garson advised that he had Ex-Parte Communications regarding this matter and advised he had attended a public community meeting on the project. He advised he would base his decision solely on the testimony being presented.*

*Ms. Ginsberg advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.*

### **Swearing in of Witnesses (Assistant City Attorney)**

The Oath was administered by the Assistant City Attorney to all staff and public attendees that would be speaking on the case.

Ms. Dominguez: provided a Power Point presentation of the Nine Hundred Project and gave a brief summary of the project.

Mr. Wu: asked what was the applicant contributing to the City's affordable housing program in accordance with City policy?

Ms. Dominguez: clarified that the terms were being negotiated with the City Manager's office and would be addressed in the Development Agreement.

Mr. Wu: suggested to staff modifying the Code on the size of the efficiencies from 800 square feet to 850 square feet due to the frequent number of requests for waiver or modifications for this regulation from applicants.

Mr. Wu: asked what was the Regional Activity Center (RAC) density for the Gulfstream Point project which was recently approved?

Ms. Dominguez: stated the density of the Project was approximately 400 units per acre.

Mr. Steve Geller, Attorney (200 E. Broward Blvd., Suite 1800 Fort Lauderdale, FL 33301): gave a brief overview of the project. He provided clarification on how the Developer agreed to provide solutions to traffic concerns at their cost which included, road improvements of US1 and Hallandale Beach Blvd and proposing a deceleration lane dedication and widening lanes on US1.

Mr. Geller: stated the parking requirement and explained that based on the location of this property on US1, public transit is so accessible, the number of parking spaces proposed are substantial.

Mr. Geller: further added they were consistent with all Conditional Use Review Criteria mentioned on the staff report, except one: which addresses the density under the current zoning. However, their project density is lower than their adjacent neighbor who was recently approved. He stated that staff was aware of this, and agreed that they have been grandfathered in.

Thomas Hall, Traffic Engineer, (1355 Adams Street Hollywood, FL 33019): pointed out that they had performed a study from Hallandale Beach Blvd to Dade county line and attempted to help relieve traffic concerns.

Mr. Lewy: stated that extending the left turn lane 90 feet is not enough, this would cause an apron "U" turn.

Mr. Garson: asked approximately how many cars would be able to drive-thru a 320 foot lane?

Mr. Hall: clarified at 20 foot per car it would allow approximately 16 cars.

Mr. Kulin: asked what is the width requirement for a right- of-way?

Ms. Dominguez: stated 50 feet minimum is required for local streets. However, a 60 feet minimum is required for this street.

Mr. Geller: further added that they have been working with Staff, and the City Manager's Office who have provided instructions and they have agreed to what needs to be done to improve traffic.

Lucas Cadavid, Architect (4942 S. Le Jeune Rd. Suite 200 Coral Gables, FL 33146): gave a brief overview of their vision for the project and how the waiver request was an effort to meet the City's Comprehensive Plan.

Ms. Dillard: asked if a loading dock will be available for waste disposal.

Mr. Cadavid: stated they are providing a loading dock although it is not a requirement.

Mr. Wu: suggested looking at the street intersection on the first floor, such as, art that pedestrians can see when crossing the street.

Mr. Cadavid: stated the location he is suggesting would be considered the right-of-way that has been dedicated as a public right-of way.

Mr. Lewy: pointed out that descriptive parking was not provided. He stated the applicant should provide specifics on the total amount of parking spaces being allocated to units, restaurants and hotel.

Mr. Lewy: stated he believed the amount of hotel parking spaces proposed are double of what is required. He suggested 81 spaces be added to the restaurant totaling 529 which will exceed the RAC requirements.

Richard Waserstein, Applicant (1124 Kane Concourse, Bay Harbor Islands, FL 33154): agreed that the number of parking spaces is being assigned to the hotel is over exceeding, especially when most of hotel guests usually prefer other ways of public transportation than renting a car. He added the amount of parking spaces being proposed will allow them to maneuver and assign parking spaces where needed.

Mr. Garson: asked for clarification on why the applicant is given the right to choose what code to apply?

Mr. Geller: pointed out that they had Vested Rights and they have agreed to follow the RAC code to accommodate the new RAC standards and urban design. He added that the new RAC Code also requires them to also give up 30% of their property, which they had no objections to either.

Mr. Garson: stated that applicant should be penalized if they don't meet the requirement set by the City to employ 10% of the jobs to city residents.

Mr. Geller: stated that all those conditions will be discussed and addressed during the Development Agreement process.

Mr. Saunders: pointed out that Application #121-15-CU for a Conditional Use was not presented by the Chair in conjunction with Application #120-15-DB for Major Development Review. He added that this will required the Board Secretary to poll ex parte communications before opening the public hearing.

- b) Application #121-15-CU for a Conditional Use Permit to allow a residential use in B-L/RDO districts pursuant to Section 32-181(d)(2) of the Zoning and Land Development Code. Assignment of 320 RAC (Regional Activity Center) units are also requested to allow the residential use.

**Polling of Ex Parte Communications (Board Secretary)**

Board Secretary polled the Planning and Zoning Board regarding Ex-Parte Communications:

*Ms. Natelson advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.*

*Ms. Dillard advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.*

*Mr. Kulin advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.*

*Mr. Lewy advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.*

*Mr. Wu advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.*

*Mr. Garson advised that he had no Ex-Parte Communications regarding this matter. He advised he would base his decision solely on the testimony being presented.*

*Ms. Ginsberg advised that she had no Ex-Parte Communications regarding this matter. She advised she would base her decision solely on the testimony being presented.*

*Ms. Natelson opened the Public Hearing.*

There were no speakers.

*Ms. Natelson closed the Public Hearing.*

**MR. LEWY MOTIONED BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY, I MOVE THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL TO THE CITY COMMISSION OF THE CONDITIONAL USE PERMIT AS SET FORTH IN APPLICATION 121-15-CU SUBJECT TO THE TERMS OF THE DEVELOPMENT AGREEMENT AS MAY BE FINALIZED AND APPROVED BY THE CITY COMMISSION**

**MS. DILLARD SECONDED THE MOTION.**

**MOTION PASSED BY ROLL CALL VOTE (6-0).**

**MR. LEWY MOTIONED BASED ON THE COMPETENT AND SUBSTANTIAL EVIDENCE PRESENTED TODAY, I MOVE THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL TO THE CITY COMMISSION OF APPLICATION 120-15-DB FOR MAJOR DEVELOPMENT REVIEW APPROVAL PURSUANT TO**

**SECTION 32-782 OF THE HALLANDALE BEACH ZONING AND LAND DEVELOPMENT CODE IN ORDER TO BUILD THE PROPOSED DEVELOPMENT AT 900 SOUTH FEDERAL HIGHWAY SUBJECT TO THE TERMS OF THE DEVELOPMENT AGREEMENT AS MAY BE FINALIZED AND APPROVED BY THE CITY COMMISSION.**

**MS. NATELSON ASKED TO INCLUDE RECOMMENDATION MADE BY STAFF AS FOLLOWS: 13. ASSIGNMENT BY THE CITY COMMISSION OF 320 RAC UNITS TO THE PROJECT.**

MS. DILLARD SECONDED THE MOTION.

MOTION PASSED BY ROLL CALL VOTE (6-0).

2. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE, DIVISION 20, "TEMPORARY USES"; PROVIDING FOR CODIFICATION; PROVIDING FOR CONFLICT; AND PROVIDING FOR AN EFFECTIVE DATE.

Ms. Leroy: provided a Power Point presentation and gave a brief summary of the item.

Mr. Wu: asked if the City would be able to apply for Annual temporary permit on citizen private property.

Ms. Leroy: stated no. Unless the properties are zoned in the districts for which annual temporary use permits are allowed.

Ms. Natelson opened the Public Hearing.

There were no speakers.

Ms. Natelson closed the Public Hearing.

**MR. LEWY MOTIONED TO MOVE THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE AMENDING THE TEXT OF CHAPTER 32, DIVISION 20 OF THE ZONING AND LAND DEVELOPMENT CODE TO THE CITY COMMISSION WHICH WILL EXPAND THE AREAS THAT WILL BE ELIGIBLE FOR TEMPORARY USE PERMITS FOR RECURRING EVENTS.**

MR. GARSON SECONDED THE MOTION.

MOTION PASSED BY ROLL CALL VOTE (6-0).

3. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32 ZONING AND LAND DEVELOPMENT CODE; ARTICLE 1, GENERAL PROVISIONS; SECTION 32-8,

279 DEFINITIONS, TO MODIFY THE DEFINITION OF "HOTEL", PROVIDE  
280 REGULATIONS TO ENSURE THAT HOTEL, MOTEL, AND CONDOMINIUM  
281 HOTELS REMAIN COMMERCIAL USES, AND TO MONITOR COMPLIANCE WITH  
282 LOCAL AND STATE LAWS; PROVIDING FOR SEVERABILITY; PROVIDING FOR  
283 CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.  
284

285 Ms. Jefferson: provided a Power Point presentation and gave a brief summary of the  
286 item.  
287

288 Ms. Jefferson: stated that after further review with the City Attorney's Office they have  
289 agreed to include line 85 on the Ordinance to include General Provision (3) Mass Utility  
290 meters of any type for individual units are prohibited; however, submeters would be allowed as  
291 approved by the City of Hallandale Beach, Utilities Department.  
292

293 Mr. Kulin: suggested changing general provision (8), Owner-occupation 180 days to  
294 allow only 150 days. This would mimic the City of Hollywood Ordinance.  
295

296 Ms. Ginsberg: asked if solar panels were being considered?  
297

298 Ms. Jefferson: advised that she would have to speak to Engineering regarding solar  
299 panels.  
300

301 Mr. Garson: asked what was the rational of allowing the length of stay to be less or  
302 more based on what floor a person is residing in.  
303

304 Ms. Jefferson: clarified that Mr. Garson's example was referring to a specific location  
305 where the hotel use is on certain floors, and condo-hotel on other floors. A condo-hotel  
306 would allow the unit owner to stay up to 180 days.  
307

308 Mr. Garson: asked if the Resident Manager would be allowed permanent stay?  
309

310 Ms. Natelson: pointed out that hotel investors are looking to buy these units and simply  
311 make sure they are operating and bring in money, but their homes are elsewhere.  
312

313 Discussion ensued.  
314

315 Ms. Natelson opened the Public Hearing.  
316

317 Debbie Orshefsky, Holland & Knight Partner (515 East Las Olas Boulevard, Suite 1200  
318 Fort Lauderdale, FL 33301): provided clarification on the item and advised that Broward  
319 County Planning Council worked on regulation of Condo Hotel which addressed the  
320 issue of what is substantial "time of stay" and felt 180 days would cover the majority of  
321 the year not being used.  
322

323 Ms. Orshefsky: recommended Ordinance move forward to include Terms of Operation  
324 and Utility Provisions.  
325



Mr. Wu: asked how the Ordinance is enforced at staff level; provision (5) which stated No more than five percent of the hotel rooms shall be occupied for more than 90 continuous days by the same occupant.

Ms. Orshefsky: stated that it would require Business License Certification, Bed tax need to be paid and registration requirement.

Mr. Kulin: asked if the owner would be able to stay over the 180 days.

Ms. Orshefsky: clarified that the owner would need to register but was not required to pay a Bed Tax.

Ms. Natelson closed the Public Hearing.

**MR. LEWY MOTIONED TO MOVE THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE AMENDING THE TEXT OF SECTION 32-8 OF THE ZONING AND LAND DEVELOPMENT CODE TO THE CITY COMMISSION WHICH WILL PROVIDE DEFINITIONS AND REGULATIONS TO ENSURE THAT HOTEL, MOTEL, AND CONDOMINIUM HOTELS REMAIN COMMERCIAL USES AND TO MONITOR COMPLIANCE WITH LOCAL, STATE, AND FEDERAL LAWS.**

MS. DILLARD SECONDED THE MOTION.

MOTION PASSED BY ROLL CALL VOTE (6-0).

4. AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF HALLANDALE BEACH, FLORIDA, AMENDING CHAPTER 32, ZONING AND LAND DEVELOPMENT CODE; ARTICLE IV, DEVELOPMENT STANDARDS; DIVISION 17, "SIGNS"; AMENDING DEFINITIONS AND REGULATIONS; PROVIDING FOR CONFLICT; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.

Ms. Leroy: provided a Power Point presentation and gave a brief summary of the item.

Ms. Leroy: added that after further review staff has additional change to the proposed amendment, to remove lines 785-786 which states "Sec 32-606(h)(3): Sign copy shall be limited to the name of the owner, building, establishment, or plaza and the street number of the building to which the awning is attached".

Mr. Garson: asked if provision (1), which states sign shall not be located on or face any local street, would apply for existing condominiums with multiple entrances and have 5 monument signs for their different associations.

Ms. Leroy: stated they would have to look into when the building was built, if built before 1978, they might be considered non-conforming/grandfather in and would be allowed to stay as is.

Mr. Wu: asked why political signs are to remain 10 calendar days after election?

Ms. Leroy: state this would give residents an additional 5 days after the Election Day period specified by the bonus sign definition, to remove their sign.

Mr. Wu: suggest that staff work with the City Attorney's Office to ensure freedom of speech sign component is addressed.

Mr. Lewy: suggested language be Vehicular signs be written more succinctly, as the current language on vehicular signs can be difficult to enforce.

Ms. Natelson opened the Public Hearing.

There were no speakers.

Ms. Natelson closed the Public Hearing.

**MR. WU MOVE THAT THE PLANNING AND ZONING BOARD RECOMMEND APPROVAL OF THE PROPOSED ORDINANCE AMENDING THE TEXT OF CHAPTER 32, DIVISION 17, SIGNS, TO ENSURE THE SIGN DEFINITIONS AND REGULATIONS ARE IN COMPLIANCE WITH LOCAL, STATE, AND FEDERAL LAWS, AT THE CITY ATTORNEY'S OFFICE DISCRETION SUBJECT TO THE FOLLOWING CHANGES:**

**A. INTERPRETATION; SUBSTITUTION OF NONCOMMERCIAL SPEECH FOR COMMERCIAL SPEECH. NOTWITHSTANDING ANYTHING CONTAINED IN THIS DIVISION OR CODE TO THE CONTRARY, ANY SIGN ERECTED PURSUANT TO THE PROVISIONS OF THIS DIVISION OR CODE OR OTHERWISE LAWFULLY EXISTING WITH A COMMERCIAL MESSAGE MAY, AT THE OPTION OF THE OWNER, CONTAIN A NONCOMMERCIAL MESSAGE IN LIEU OF A COMMERCIAL MESSAGE. THE NONCOMMERCIAL MESSAGE MAY OCCUPY THE ENTIRE SIGN FACE OR ANY PORTION THEREOF. THE SIGN FACE MAY BE CHANGED FROM COMMERCIAL TO NONCOMMERCIAL MESSAGES, OR FROM ONE NONCOMMERCIAL MESSAGE TO ANOTHER, AS FREQUENTLY AS DESIRED BY THE OWNER OF THE SIGN, PROVIDED THAT THE SIGN IS NOT A PROHIBITED SIGN OR SIGN-TYPE AND PROVIDED THAT THE SIZE, HEIGHT, SETBACK AND OTHER DIMENSIONAL CRITERIA CONTAINED IN THIS DIVISION AND CODE HAVE BEEN SATISFIED.**

**B. SEVERABILITY GENERALLY. IF ANY PART, SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, PHRASE, CLAUSE, TERM, OR WORD OF THIS DIVISION IS DECLARED UNCONSTITUTIONAL BY THE VALID JUDGMENT OR DECREE OF ANY COURT OF COMPETENT JURISDICTION, THE DECLARATION OF SUCH UNCONSTITUTIONALITY SHALL NOT AFFECT ANY**

OTHER PART, SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, PHRASE, CLAUSE, TERM, OR WORD OF THIS DIVISION.

C. SEVERABILITY WHERE LESS SPEECH RESULTS. WITHOUT DIMINISHING OR LIMITING IN ANY WAY THE DECLARATION OF SEVERABILITY SET FORTH ABOVE IN SUBSECTION A, ABOVE, OR ELSEWHERE IN THIS DIVISION, THIS CODE, OR ANY ADOPTING ORDINANCE, IF ANY PART, SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, PHRASE, CLAUSE, TERM, OR WORD OF THIS DIVISION IS DECLARED UNCONSTITUTIONAL BY THE VALID JUDGMENT OR DECREE OF ANY COURT OF COMPETENT JURISDICTION, THE DECLARATION OF SUCH UNCONSTITUTIONALITY SHALL NOT AFFECT ANY OTHER PART, SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, PHRASE, CLAUSE, TERM, OR WORD OF THIS ARTICLE, EVEN IF SUCH SEVERABILITY WOULD RESULT IN A SITUATION WHERE THERE WOULD BE LESS SPEECH, WHETHER BY SUBJECTING PREVIOUSLY EXEMPT SIGNS TO PERMITTING OR OTHERWISE.

D. SEVERABILITY OF PROVISIONS PERTAINING TO PROHIBITED SIGNS AND SIGN ELEMENTS. WITHOUT DIMINISHING OR LIMITING IN ANY WAY THE DECLARATION OF SEVERABILITY SET FORTH ABOVE IN CHAPTER 32, DIVISION 17, ABOVE, OR ELSEWHERE IN THIS DIVISION, THIS CODE, OR ANY ADOPTING ORDINANCE, IF ANY PART, SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, PHRASE, CLAUSE, TERM, OR WORD OF THIS DIVISION IS DECLARED UNCONSTITUTIONAL BY THE VALID JUDGMENT OR DECREE OF ANY COURT OF COMPETENT JURISDICTION, THE DECLARATION OF SUCH UNCONSTITUTIONALITY SHALL NOT AFFECT ANY OTHER PART, SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, PHRASE, CLAUSE, TERM, OR WORD OF THIS ARTICLE THAT PERTAINS TO PROHIBITED SIGNS, INCLUDING SPECIFICALLY THOSE SIGNS AND SIGN ELEMENTS THAT ARE PROHIBITED BY CHAPTER 32, DIVISION 17, FURTHERMORE, IF ANY PART, SECTION, SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, PHRASE, CLAUSE, TERM, OR WORD OF CHAPTER 32, DIVISION 17, IS DECLARED UNCONSTITUTIONAL BY THE VALID JUDGMENT OR DECREE OF ANY COURT OF COMPETENT JURISDICTION, THE DECLARATION OF SUCH UNCONSTITUTIONALITY SHALL NOT AFFECT ANY OTHER SUBSECTION, PARAGRAPH, SUBPARAGRAPH, SENTENCE, PHRASE, CLAUSE, TERM, OR WORD OF CHAPTER 32, DIVISION 17, THEREBY ENSURING THAT AS MANY PROHIBITED SIGN-TYPES AS MAY BE CONSTITUTIONALLY PROHIBITED CONTINUE TO BE PROHIBITED.

E. IT IS THE INTENT OF THE CITY TO REGULATE SIGNAGE IN A MANNER THAT IMPLEMENTS THE PURPOSES OF THIS DIVISION AS EXPRESSED IN CHAPTER 32, DIVISION 17. THE CITY FINDS THAT THE PURPOSES STATED IN CHAPTER 32, DIVISION 17, SIGNS ARE LEGITIMATE, SUBSTANTIAL, AND COMPELLING PUBLIC INTERESTS, THAT THE REGULATION OF SIGNAGE PROVIDED BY THIS DIVISION IS UNRELATED TO THE SUPPRESSION OF FREE EXPRESSION, AND

THAT THE INCIDENTAL RESTRICTIONS ON EXPRESSION THAT MAY OCCUR AS A RESULT OF THESE REGULATIONS IS NO MORE THAN IS ESSENTIAL TO THE FURTHERANCE OF THE PUBLIC INTERESTS. HOWEVER, IF A COURT OF COMPETENT JURISDICTION FINDS ANY REGULATION HEREIN TO BE BASED UPON CONTENT AND, FURTHER, DECLARES SUCH REGULATION UNCONSTITUTIONAL, THEN IT IS THE INTENT OF THE CITY OF HALLANDALE BEACH THAT ONLY THAT PORTION OF THE PROVISION THAT IS FOUND UNCONSTITUTIONAL BE SEVERED FROM THIS DIVISION, AND IF IT IS NOT POSSIBLE FOR THE COURT TO STRIKE ONLY THE PORTION OF THE PROVISION THAT IS FOUND UNCONSTITUTIONAL, THEN IT IS THE INTENT OF THE CITY OF HALLANDALE BEACH THAT ALL SIGNS THAT WOULD BE SUBJECT TO THE STRICKEN PROVISION WILL INSTEAD BE SUBJECT TO THE NEXT SURVIVING PROVISION FOR A SIGN OF LIKE GEOMETRY AND CHARACTER THAT IS MORE RESTRICTIVE THAN THE STRICKEN PROVISION IN TERMS OF SIGN AREA.

MR. LEWY SECONDED THE MOTION

MOTION PASSED BY ROLL CALL (6-0)

## **6. MANAGER'S REPORT**

MS. NATELSON: ADVISED THAT DUE TO OTHER CITY BUSINESS THE REGULAR PLANNING AND ZONING BOARD FOR THE MONTH OF AUGUST WILL NEED TO BE RESCHEDULE FOR **WEDNESDAY, AUGUST 31, 2016.**

## **7. NEXT SCHEDULED MEETING**

WEDNESDAY, MARCH 23, 2016

**Meeting adjourned at 9:52 P.M.**

A Recording of this meeting can be made available to any member of the public upon request. Requests to hear a taping of the Planning and Zoning Board meeting, summarized above, should be submitted to the Planning & Zoning Division at [ajefferson@hallandalebeachfl.gov](mailto:ajefferson@hallandalebeachfl.gov) or can be mailed to 400 South Federal Highway, Attn. Althea P. Jefferson, Hallandale Beach, Florida 33009.